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SENATE BILL 315

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Mark Boitano

AN ACT

RELATING TO REAL ESTATE TRANSACTIONS; REQUIRING LENDERS TO MAKE FUNDS AVAILABLE AT THE TIME OF CLOSING OF A REAL ESTATE TRANSACTION; PROVIDING FOR WHEN FUNDS MAY BE DISBURSED.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. AVAILABLE FUNDS REQUIRED AT CLOSING. --

A. Unless the consideration necessary to complete a sale of real property has been previously delivered, a person shall not close on the sale of real property involving a loan from a financial institution until the lender provides available funds to a third-party fiduciary in an amount sufficient to complete the sale and to pay, in accordance with the conditions and instructions of the parties to the transaction, all sums required to be paid through and at the time of the closing. The title company may disburse available

underscored material = new
[bracketed material] = delete

1 funds once the deed is recorded with the county clerk.

2 B. As used in this section, "available funds" means
3 funds subject to immediate withdrawal by cash or check in a
4 depository account with a financial institution, held in the
5 name of and subject to the control of a third-party fiduciary,
6 not including a person or entity that is a party to the
7 transaction, cooperating in the closing of a transaction.